

Absent—Senators Fountain, Latimer, Pyle, Saylor and Mr. President.

Absent, excused—Senator Pickett.

On motion of Senator Flanagan, President Campbell was excused on account of sickness.

Senator Gaines moved that the Senate stand adjourned to 10½ A. M. to-morrow.

Yeas and nays called for, and motion carried by the following vote:

Yeas—Baker, Broughton, Douglas, Evans, Gaines, Hall, Hillebrand, Parsons, Pettit, Pridgen, Rawson, Shannon—12.

Nays—Bell, Bowers, Cole, Dohoney, Flanagan, Ford, Hertzberg, Mills, Ruby, Tendick—10.

So the Senate at 12:45 P. M. adjourned to 10:30 A. M. to-morrow.

### THIRTY-NINTH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, Tuesday Oct. 31, 1871. }

Senate met pursuant to adjournment. Senator Flanagan, President *pro tem.*, presiding. Roll called. Quorum present.

Absent—Senators Bowers, Broughton, Cole and Fountain.

Absent, excused—President Campbell and Senators Hertzberg and Pickett.

Prayer by the Chaplain.

On motion of Senator Gaines the reading of the journal of yesterday was dispensed with.

By direction of the President, the following communication was read:

DEPARTMENT OF STATE,  
Austin, Oct. 31, 1871. }

CHARLES CAMPBELL, Esq.,

Secretary of the Senate:

SIR: In compliance with the requirements of section thirty-seven, of the election law, approved August 15, A. D. 1870, I have the honor to furnish the following list of names of persons who have been elected to seats in the Senate of this State at the election held on the 3d, 4th, 5th and 6th days of October, A. D. 1871: W. H. Swift from Second District and J. E. Dilliard, from Third District.

Very respectfully, your obedient servant,

J. E. OLDRIGHT,

Acting Secretary of State.

W. H. Swift and J. E. Dillard then came before the bar of the Senate, and the President *pro tem.* administered to them the oath of office prescribed by the Constitution.

Senators W. H. Swift and J. E. Dillard were then conducted to their respective seats by the Sergeant-at-Arms.

### REPORTS OF STANDING COMMITTEES.

Reports of Committee on State Affairs:

COMMITTEE ROOM,  
Austin, Oct. 28, 1871. }

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 595, entitled "An act to incorporate the Houston Tannery and Leather Manufacturing Company," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,  
S. W. FORD, Chairman.

COMMITTEE ROOM,  
Austin, Oct. 28, 1871. }

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 563, entitled "An act to authorize the employment of interpreters and translators in certain cases," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,  
S. W. FORD, Chairman.

COMMITTEE ROOM,  
Austin, Oct. 28, 1871. }

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 567, entitled "An act to incorporate the Texas Joint Stock Association of the city of Houston," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,  
S. W. FORD, Chairman.

COMMITTEE ROOM, }  
Austin, Oct. 28, 1871. }

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 749, entitled "An act to incorporate the Bryan Real Estate, Building and Joint Stock Association of Bryan, Texas, after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

S. W. FORD, Chairman.

Report read and laid over under the rules.

Report of Committee on Engrossed Bills:

COMMITTEE ROOM, }  
Austin, Oct. 31, 1871. }

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Engrossed Bills have examined and find correctly engrossed Senate bills as follows: Senate bill No. 523, "An act to incorporate the Houston Turn Verein;" Senate bill No. 536, "An act to amend an act entitled 'an act to provide for districting the State of Texas into judicial districts,' approved July 2, 1870;" Senate bill No. 537, "An act to amend an act entitled 'an act prescribing the times of holding the district courts in the several judicial districts of the State,' approved August 10, 1870."

Respectfully,

G. T. RUBY, Chairman.

Report read and received.

Under direction of the President *pro tem.*, the Secretary carried to the House, for concurrence, Senate bills Nos. 523, 536 and 537.

## BILLS AND RESOLUTIONS.

By Senator Dohoney: a bill (Senate bill No. 538) to be entitled "An act to amend sections seven and eight of 'an act to provide for districting the State into judicial districts,' approved July 2, 1870." Read first time and referred to the Committee on Judiciary.

Also, a bill (Senate bill No. 539) to be entitled "An act to prescribe the time of holding the district courts in the Seventh and Eighth Judicial Districts." Read first time and referred to the Committee on Judiciary.

By Senator Pridgen: a bill (Senate bill No. 540) to be entitled

"An act in relation to division fences." Read first time and referred to the Committee on Agricultural Affairs.

On motion of Senator Mills, the rules were suspended to take from file House bill No. 866, "An act to encourage the manufacture of cotton and wool in this State." Read first time and passed to a second reading.

Senator Mills moved a further suspension of the rules to read the bill a second time.

Yeas and nays called for and the Senate refused to suspend the rules by the following vote :

Yeas—Broughton, Dohoney, Douglas, Evans, Flanagan, Ford, Mills, Parsons, Saylor, Swift, Tendick—11.

Nays—Baker, Bell, Cole, Dillard, Gaines, Hall, Hillebrand, Latimer, Pettit, Pridgen, Rawson, Shannon—12.

House bill No. 866 was then referred to the Committee on State Affairs.

Senator Saylor moved that a committee of free conference be appointed to confer with a like committee on the part of the House upon Senate amendments to House bill No. 776, "An act to provide for the payment of the public debt of the State of Texas, approved May 2, 1871."

The Chair appointed as such committee Senators Saylor, Bowers and Pettit.

By leave, Senator Gaines introduced the following resolution :

*Resolved*, That the select committee to whom was referred the list of employes furnished by the Secretary of the Senate on the eighteenth day of October, be requested to report to this Senate on the same.

Senator Tendick asked leave to withdraw from the Senate, "Senate joint resolution No. 19, authorizing and requiring the Commissioner of the General Land Office to issue sixteen sections of six hundred and forty acres of land certificates for each lineal mile in accordance with section eleven of an act entitled 'an act to incorporate the Columbus Tap Railway Company.' "

There being no objection, leave was granted, and Senate joint resolution No. 19 was withdrawn.

## BILLS ON SECOND READING.

House bill No. 207, "An act to incorporate the Central Texas Agricultural and Mechanical Association." Read second time and passed to a third reading.

On motion of Senator Pettit, the rules were suspended, and House bill No. 207 read third time and passed.

Senator Pridgen submitted the following report of the Committee on Enrolled Bills :

COMMITTEE ROOM,  
Austin, Oct. 31, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate, *pro tem.* :

SIR: Your Committee on Enrolled Bills, have examined and compared Senate bill No. 171, entitled "An act to incorporate the Victoria Fire Company No. 1," and Senate bill No. 178, entitled "An act to repeal an act, approved August 10, 1870, entitled 'an act to amend an act to incorporate Hermann's University,' approved January 27, 1844, as amended by an act passed April 11, 1846," and Senate bill No. 504, entitled "An act to provide for appeals from interlocutory judgments in the district courts of the State," and find the same correctly enrolled and perfected by the signatures of the requisite officers of both Houses of the Legislature, and to-day at eleven o'clock A. M., presented them to the Governor for his approval.

B. J. PRIDGEN, Chairman.

Report read and received.

Under direction of the President the Secretary carried to the House the following House bills, with the information that the Senate had passed the same without amendments: 'House bill No. 110, "An act to incorporate the Texas Lumber and Manufacturing Company;" House bill No. 79, "An act to provide for transcribing the land records of San Saba county;" House bill No. 90, "An act to incorporate the Lake City Cotton and Wool Manufacturing Company;" House bill No. 71, "An act to incorporate the Jefferson Steam Fire Company No. 1, of the city of Jefferson;" House bill No. 407, "An act to enable the Comptroller of Public Accounts to settle with defaulting revenue officers."

Message from the House by the Chief Clerk, Mr. Gallant, informing the Senate that the House had passed without amendments the following Senate bills: Senate bill No. 374, "An act to amend the Penal Code for the State of Texas;" Senate bill No. 396, "An act confirming the powers granted to the municipal authorities of the incorporated cities and towns of the State;" Senate bill No. 441, "An act to amend the twenty-third section of 'an act prescribing the times of holding the district courts in the several judicial districts in the State,' approved August 10, 1870;" Senate bill No. 492, "An act to amend 'an act prescribing the mode of proceeding in the district courts in matters of probate,' approved August 15, 1870." Also, with amendments, Senate bill No. 405, "An act supplementary to the act entitled 'an act to adopt and es-

establish a penal code for the State of Texas,' approved August 28, 1856," and Senate bill No. 460, "An act to provide for and regulate mechanics', contractors', builders' and other liens in the State of Texas."

The following House bills were taken from file and referred respectively as follows :

To Committee on Roads, Bridges and Ferries: House bill No. 792, "An act to incorporate the Karnes county Bridge Company;" House bill No. 803, "An act to authorize James R. Harrington to erect a toll bridge over White Rock creek, in Hill county, Texas;" House bill No. 769, "An act to establish a ferry across the Neches river, at the Podenhamer crossing, county of Houston;" House bill No. 808, "An act to incorporate the Gatesville Bridge Company;" House bill No. 813, "An act to establish a ferry across Trinity river, at Prewitt's old mill."

To Committee on State Affairs: House bill No. 628, "An act to authorize and empower the County Court of Burleson county to levy and collect a special tax for the purpose of building a court house and jail;" House bill No. 810, "An act concerning private corporations."

To Committee on Private Land Claims: House bill No. 801, "An act for the relief of the heirs of Christopher C. Williams, deceased."

To Committee on Printing: House bill No. 691, "An act to repeal sections twelve, thirteen, fourteen, fifteen, sixteen and seventeen of an act entitled 'an act regulating public printing,' approved August 13, 1870."

To Committee on Education: House bill No. 730, "An act relative to the assessment and collection of taxes for school purposes in the several school districts of the State, and regulating the expenditures of moneys arising from the same."

To Committee on Judiciary: House joint resolution No. 37, "Joint resolution substituting the term 'presiding justice' in place of the term 'chief justice or county judge;'" House bill No. 664, "An act to amend an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties;" House bill No. 569, "An act defining tenancies, and prescribing how they shall be terminated."

#### BILLS ON SECOND READING—Resumed.

House bill No. 292, "An act granting to B. F. Colbert the privilege of constructing a ferry across Red River." Read second time and passed to a third reading.

On motion of Senator Pettit the rules were suspended and House bill No. 292 was read third time and passed.

House bill No. 325, "An act to authorize M. A. Tucker to erect a toll bridge over Big Creek, near the Limestone and Falls county line." Read second time and passed to a third reading.

On motion of Senator Pettit the rules were suspended and House bill No. 325 read third time and passed.

On motion of Senator Baker the rules were suspended to take from file Senate bill No. 460, "An act to provide for and regulate mechanics', contractors', builders' and other liens in the State of Texas," and on further motion the following House amendment was concurred in: in section five, last line, strike out "two" before the word "hundred" and insert the word "one."

#### BILLS ON SECOND READING—Resumed.

House bill No. 326, "An act to authorize M. A. Tucker to erect a toll bridge over Christmas creek, in Limestone county, Texas." Read second time and passed to a third reading.

On motion of Senator Gaines the rules were suspended and House bill No. 326 read third time and passed.

House bill No. 421, "An act to create the county of Tegener." Read second time and passed to a third reading.

On motion of Senator Pettit the rules were suspended and House bill No. 421 read third time and passed by the following vote:

Yeas—Baker, Broughton, Cole, Dohoney, Douglas, Dillard, Evans, Flanagan, Ford, Gaines, Hall, Hillebrand, Latimer, Parsons, Pettit, Pridgen, Saylor, Shannon, Swift, Tendick—20.

Nays—Mills—1.

On motion of Senator Douglas, the vote of yesterday, by which the Senate refused to pass Senate bill No. 360, "An act amendatory of and supplemental to an act entitled 'an act to incorporate the Pacific and Great Eastern Railway Company of Texas,'" was reconsidered.

#### BILLS ON SECOND READING—Resumed.

House joint resolution No. 1, "Joint resolution prohibiting the founding, organization, support or maintenance of military institutes of learning without being chartered by the Legislature of the State of Texas." Read second time.

On motion of Senator Pettit, House joint resolution No. 1 was indefinitely postponed.

House bill No. 9, "An act to incorporate the McKinney Academy Association." Read second time and passed to its third reading.

On motion of Senator Evans, the rules were suspended, and House bill No. 9 read third time and passed.

House bill No. 10, "An act to provide for transcribing the surveyor's records." Read second time and passed to a third reading.

On motion of Senator Pettit, the rules were suspended, and House bill No. 10 was read third time and passed.

House bill No. 42, "An act to incorporate the Houston Water Works Company." Read second time and passed to a third reading.

On motion of Senator Gaines, the rules were suspended, and House bill No. 42 was read third time and passed.

On motion of Senator Saylor, Senator Swift was added to the Committee on Finance.

House bill No. 57, "An act to incorporate the Philosophronian Society of Trinity University." Read second time and passed to a third reading.

On motion of Senator Pettit, the rules were suspended, and House bill No. 57 was read third time and passed.

House bill No. 117, "An act to incorporate the Marion County Bayou Navigation Company." Read second time, and on motion of Senator Gaines, was laid on the table.

House bill No. 118, "An act to incorporate the Excelsior Real Estate and Building Association." Read second time and passed to a third reading.

On motion of Senator Pettit, the rules were suspended, and House bill No. 118 read third time and passed.

House bill No. 121, "An act to amend an act entitled 'an act to provide for the State Lunatic Asylum, and for the care and maintenance of the insane,' approved February 5, 1858." Read second time.

On motion of Senator Pettit, the following amendment recommended by the Committee on State Affairs was adopted, viz: Section ten, last line, amend by striking out the word "hereinbefore" and inserting the word "hereinafter."

House bill No. 121 passed to a third reading, as amended.

On motion of Senator Dohoney, the rules were suspended, and House bill No. 121 read third time and passed.

House bill No. 171, "An act to incorporate the Hebrew Benevolent Society of Brownsville and Matamoros, in Brownsville, Cameron county, Texas." Read second time.

Senator Bell moved to lay House bill No. 171 on the table. Lost.

On motion of Senator Mills the bill was amended by striking out

the word "Matamoros" wherever it occurred. Bill passed to a third reading as amended.

Senator Gaines moved to suspend the rules to read the bill a third time. Lost.

By leave, Senator Dohoney introduced a bill (Senate bill No. 541) to be entitled "An act to increase the area and enlarge the boundary of Lamar county." Read first time and referred to the Committee on Counties and County Boundaries.

#### BILLS ON SECOND READING—Resumed.

House bill No. 209, "An act to incorporate the Richmond Relief Dramatic Club of Richmond, Fort Bend county." Read second time.

Senator Gaines moved to amend by striking out section four. Amendment adopted and the bill passed to a third reading as amended.

On motion of Senator Pettit the rules were suspended and House bill No. 209 read third time and passed by the following vote:

Yeas—Baker, Bell, Broughton, Cole, Dohoney, Douglas, Dillard, Flanagan, Latimer, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Swift, Tendick—17.

Nays—Evans, Ford, Gaines, Hillebrand, Shannon—5.

On motion of Senator Parsons the Secretary was instructed to request the return by the House of Senate bill No. 523, "An act to incorporate the Houston Turn Verein," for the purpose of reconsideration by the Senate.

On motion of Senator Gaines the Senate, at 11:55 A. M., adjourned to 10:30 A. M. to-morrow.

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